

In THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Notice of amended application

DENNIS A. ELLIOTT

v Petitioner  
appellant

Family Court of Delaware

Deau-  
~~John~~ Biden III, Attorney

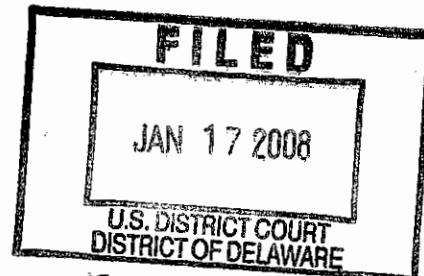
General of State of Delaware

EARL DAN BURG, Commiss-  
Iour of CORRECTIONS STATE  
of Delaware Bianco,  
~~John~~ Warden, CENTRAL

MAP CENTER, SMYRNA, Del

Respondents,

CIVIL ACTION NO.  
07-744-SLR



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Now Here Comes, Dennis A. Elliott given  
notice of petition for a writ of habeas  
corpus in U.S. District Court, for the District  
of Delaware upon the above named Respondents.

1. original filing facts
2. Documentation of facts /  
Dated 12-09-07
3. Conclusion of facts  
Dated 12-14-07

End of petition?

Dennis A. Elliott Pro Se  
12-14-07

12-14-07

Appellant brings forth the conclusion of facts to support his petition of Writ of Habeas Corpus,

I. Appellant claims that his repeated Court <sup>appearances</sup> ~~appearances~~ over the past 20 yrs, for these same arrests, by not conforming to any authorized limits, violates the Double Jeopardy Clause, 5<sup>th</sup> U.S.C.A. Brettigman v State 705 A.2d 577 (Del. 1988)

II That his sentence is based upon material misapprehension of fact which places the matter in a "dramatically different light" is Constitutional defective. Bailey v State 459 A.2d 531 (Del. 1983)

III Appellant claims that his sentence is in violation of Delaware's own Supreme Court ruling in "Gamble v State" 528 A.2d 1171 1172 (1999) where that Honorable Court ruled its opinion, "Level 5 Service Requires Level 5 Credit".

Appellant states that his sentence <sup>12-14-07</sup> does not any such allowance as required under Hamble and further states that the <sup>similar</sup> ~~Delaware~~ <sup>Supreme Court</sup> is violating its own sentence.

(1) As where other inmates with ~~similar~~ sentences enjoy time credit on their sentences under Hamble, appellant cannot, as for his sentence has no fixed time limit to apply such credit. In violation of his <sup>14<sup>th</sup> Amend.</sup> Equal Protection Clause U.S.C.A.

II Under Delawares goodtime credit as provided by 11 Del. C §4381(B)(2) and support by Delawares Sentence Statement of Policy #30.

(1) That his sentence excludes him from these time <sup>received</sup> credit allowances afforded other inmates defying him Equal Protection, 14<sup>th</sup> U.S.C.A. By having an indefinite sentence! With no time frames (sentenced)

IV  
12) Appellant claims that his level IV portion of his sentence as stated within Sentec Policy #30 Del. .... individual sentence to level IV (any variation) who must serve a term at level I awaiting placement a level IV shall during time served .... Levels be awarded goodtime pursuant to 11 Del S 4381 (B)(2)

3) Appellant states this is clearly a violation of his Equal Protection of the 14th Amend. as others (with sentence timeframes) enjoy these credits, his sentence doesn't allow them as required, allowed.

4) This by being denied any variation for time reduction then credits, that a indefinite sentence stops the due process a violation of his 14th Amend due process.

Herby this concludes Appellants grounds and arguments for this petition of Writ of Habeas Corpus. Please proceed with your ruling on this sentence

Respectfully yours

IM Devin A. Eller  
SBI# 120-206 UNIT 1-22  
CENTRAL VIOLATION CENTER  
P.O. BOX 5003  
SMYRNA, DELAWARE 19977-5003



1-07-002-Dale S. Schell

United States District Ct.  
844 W. King Street, Rockbrook

Wilson, Del.  
19801-3570

1-07-002-Dale S. Schell